

REMARKS

This Amendment is responsive to the Office Action mailed Oct. 5, 2005. Claims 1 – 16 were pending, and the Office Action rejected all claims. Specifically, Claims 1, 7 – 11, 14 and 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wagner (U.S. Patent No. 4,964,282). Claims 1 – 4 and 7 – 16 were rejected under 35 U.S.C. § 102(b) as being anticipated by Faghri (U.S. Patent No. 5,269,369). Claims 1, 7 – 11, 14 and 15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pirkle (U.S. Patent No. 5,533,354). Claims 2 – 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pirkle in view of Schulz (U.S. Patent No. 2,413,386). Additionally, and informality under 35 U.S.C. § 112 was noted in Claim 10.

In response, the Applicants have amended Claim 1, corrected Claim 10, and provide the following remarks.

As understood by the Applicants, Wagner, Pirkle and Schulz all fail to disclose a “heat exchanger”. All three disclosed devices simply blow cold air through tubing in order to provide a cooling effect on the wearer of the garment. For example, in Wagner the device has tubing 20 which directs cold air to tubing 4. The tubing 4 has holes which allow the cold air to escape from the tubing. There is no disclosed mechanism for recirculating any heat exchange material. Similarly, Pirkle only discloses using perforated tubing to provide air flow over the body of a wearer. Pirkle fails to disclose a heat exchange mechanism to exchange heat with the body and any circulating material. Finally, Schulz too merely discloses attaching a tubing 12 to a garment in order to provide cool air to the garment. No material acts as a “heat exchanger”, nor is any material recirculated back to any cooling apparatus.

As claimed in amended Claim 1, it is clear that the present invention requires a “heat exchanger” i.e. something that exchanges heat through a heat exchange material, not simply providing cool air to a body, which simply dissipates through the garment (see

Shulz col. 2, lines 42 – 45). On this basis alone the present invention as claimed is distinguishable from these cited prior art references.

In addition, amended Claim 1, further includes a second compliant component which has passages for the flow of a pressure generating material, such as air, in order to apply pressure to the first compliant component having the heat exchange material. This is disclosed in the present application on page 3, line 22 – page 4, line 11. Such a structure is not taught or suggested by any of the cited references.

With respect to the Faghri reference, it fails to teach or disclose having a second compliant component which has passages for the flow of a pressure generating material. Furthermore, the Faghri reference only discloses a single garment, having incorporated heat pipes. In contrast, the present invention as claimed comprises two separate elements – a heat exchanger, and a garment worn over the heat exchanger. Thus, the current claims are clearly distinguishable from the Faghri reference as well.

It is now believed that the claims are now in condition for allowance. If the Examiner believes that a telephone conference would expedite the prosecution of this case, the Examiner is requested to contact the undersigned attorney at the below-listed telephone number.

Thus, it is believed that there are no outstanding issues in this case, and the claims should pass to issuance. If the Examiner believes that a telephone conversation would expedite the prosecution of this case, then the Examiner is respectfully requested to contact the undersigned attorney at the below-listed number.

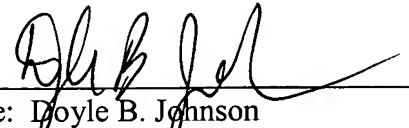
The Commissioner is hereby authorized to charge any fees (or credit any overpayment) associated with this communication and which may be required under 37 CFR §1.78 to Deposit Account No. 50-2603, **referencing Attorney Docket No. 358125.00600. A duplicate sheet is attached.**

Respectfully submitted,

REED SMITH LLP

Dated: February 1, 2006

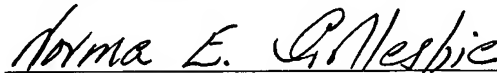
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, US Patent & Trademark Office, Alexandria, VA 22313-1450, on February 1, 2006.

Dated: February 1, 2006


Norma E. Gillespie